EIGHTY-NINTH GENERAL ASSEMBLY 2022 REGULAR SESSION DAILY SENATE CLIP SHEET

April 20, 2022

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SF 2240</u>	<u>S-5132</u>	Adopted	JULIAN GARRETT
<u>SF 2379</u>	<u>S-5131</u>	Adopted	AMY SINCLAIR
HF 2078	<u>S-5133</u>	Adopted	JULIAN GARRETT
HF 2507	<u>S-5138</u>	Filed	JEFF EDLER
HF 2562	<u>S-5134</u>	Not Germane	ZACH WAHLS
HF 2562	<u>S-5135</u>	Lost	HERMAN C. QUIRMBACH
HF 2562	<u>S-5136</u>	Lost	HERMAN C. QUIRMBACH
HF 2562	<u>S-5137</u>	Not Germane	ZACH WAHLS, et al

SENATE FILE 2240

S-5132

- 1 Amend Senate File 2240 as follows:
- By striking everything after the enacting clause and
- 3 inserting:
- 4 <Section 1. Section 633.301, Code 2022, is amended to read
- 5 as follows:
- 6 633.301 Copy of will for executor.
- 7 When Upon request by the executor, when a will has been
- 8 admitted to probate and certified pursuant to section 633.300,
- 9 the clerk shall cause a certified copy thereof to be placed
- 10 in the hands of the executor to whom letters are issued. The
- 11 clerk shall retain the will in a separate file provided for
- 12 that purpose until the time for contest has expired, and
- 13 promptly thereafter shall place it with the files of the
- 14 estate.>
- 2. Title page, by striking lines 1 through 3 and inserting
- 16 <An Act relating to the provision of certified copies of
- 17 wills.>

By JULIAN GARRETT

S-5132 FILED APRIL 19, 2022 ADOPTED

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SENATE FILE 2379

S-5131

- 1 Amend Senate File 2379 as follows:
- By striking everything after the enacting clause and
- 3 inserting:
- 4 < DIVISION I
- 5 RETALIATION
- 6 Section 1. Section 562B.32, subsection 1, paragraph d, Code
- 7 2022, is amended to read as follows:
- 8 d. For exercising any of the rights and remedies pursuant
- 9 to this chapter or chapter 216.
- 10 Sec. 2. Section 562B.32, subsection 2, Code 2022, is amended
- 11 to read as follows:
- 12 2. If the landlord acts in violation of subsection 1
- 13 of this section, the tenant is entitled to the remedies
- 14 provided in section 562B.24 and has a defense in an action for
- 15 possession. In an action by or against the tenant, evidence
- 16 of a complaint within six months one year prior to the alleged
- 17 act of retaliation creates a presumption that the landlord's
- 18 conduct was in retaliation. The presumption does not arise
- 19 if the tenant made the complaint after notice of termination
- 20 of the rental agreement. For the purpose of this subsection,
- 21 "presumption" means that the trier of fact must find the
- 22 existence of the fact presumed unless and until evidence is
- 23 introduced which would support a finding of its nonexistence.
- 24 DIVISION II
- 25 RENTAL AGREEMENTS
- Sec. 3. Section 562B.7, subsection 10, Code 2022, is amended
- 27 to read as follows:
- 28 10. "Rent" means a payment to be made to the landlord under
- 29 the rental agreement, including base rent, utilities, late
- 30 fees, and other payments made by the tenant to the landlord
- 31 under the rental agreement.
- 32 Sec. 4. Section 562B.10, subsection 5, Code 2022, is amended
- 33 to read as follows:
- 34 5. Rental agreements shall be for a term of one year unless
- 35 otherwise specified in the rental agreement. Rental agreements

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- 1 shall be canceled by at least sixty ninety days' written notice
- 2 given by either party. A landlord shall not cancel a rental
- 3 agreement solely for the purpose of making the tenant's mobile
- 4 home space available for another mobile home.
- 5 Sec. 5. Section 562B.14, subsection 7, Code 2022, is amended
- 6 to read as follows:
- 7. Each tenant shall be notified, in writing, of any rent
- 8 increase at least sixty ninety days before the effective date.
- 9 Such effective date shall not be sooner than the expiration
- 10 date of the original rental agreement or any renewal or
- ll extension thereof.
- 12 Sec. 6. EFFECTIVE DATE. This division of this Act, being
- 13 deemed of immediate importance, takes effect upon enactment.
- 14 Sec. 7. APPLICABILITY. This division of this Act applies to
- 15 rent increases first noticed under chapter 562B occurring on or
- 16 after the effective date of this division of this Act.
- 17 DIVISION III
- 18 DISCLOSURE OF UTILITY CHARGES
- 19 Sec. 8. Section 562B.14, subsection 6, Code 2022, is amended
- 20 to read as follows:
- 21 6. a. The landlord or any person authorized to enter into
- 22 a rental agreement on the landlord's behalf shall provide a
- 23 written explanation of utility rates, charges and services to
- 24 the prospective tenant before the rental agreement is signed
- 25 unless the utility charges are paid by the tenant directly to
- 26 the utility company.
- 27 b. Tenants shall be notified of any increase in utility
- 28 rates or charges in the manner set forth in subsection 7 for
- 29 rent increases, unless the landlord does not receive at least
- 30 ninety days prior notice of such increase from the utility
- 31 provider, in which case no prior notice of the increase from
- 32 the landlord to the tenant is required for the increase to be
- 33 effective.
- 34 c. Nothing in this chapter shall authorize a landlord to
- 35 meter a premises contrary to applicable law, rule, or tariff,

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- 1 or assess a utility charge to the tenant contrary to applicable
- 2 law, rule, or tariff.
- 3 DIVISION IV
- 4 WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES
- 5 Sec. 9. NEW SECTION. 562B.23A Wrongful failure to supply
- 6 running water or essential services.
- 7 l. If contrary to the rental agreement or section 562B.16
- 8 the landlord deliberately or negligently fails to supply
- 9 running water or other essential services, the tenant may give
- 10 written notice to the landlord specifying the breach and may
- 11 do one of the following:
- 12 a. Procure reasonable amounts of water or other essential
- 13 services during the period of the landlord's noncompliance and
- 14 deduct the actual and reasonable cost from the rent.
- 15 b. Recover damages based upon the diminution in the fair
- 16 market value of the mobile home space.
- 17 c. Recover any rent already paid for the period of the
- 18 landlord's noncompliance which shall be reimbursed on a pro
- 19 rata basis.
- 20 2. If the tenant proceeds under this section, the tenant may
- 21 not proceed under section 562B.22 as to that breach.
- 22 3. The rights under this section do not arise until the
- 23 tenant has given notice to the landlord or if the condition was
- 24 caused by the deliberate or negligent act or omission of the
- 25 tenant, a member of the tenant's family, or other person on the
- 26 premises with the consent of the tenant.
- 27 Sec. 10. EFFECTIVE DATE. This division of this Act, being
- 28 deemed of immediate importance, takes effect upon enactment.
- 29 DIVISION V
- 30 DENIAL OF RENTAL OR REFUSAL OF SALE
- 31 Sec. 11. Section 562B.19, subsection 3, paragraph c, Code
- 32 2022, is amended to read as follows:
- 33 c. Deny any resident of a manufactured home community
- 34 or mobile home park the right to sell that person's mobile
- 35 home at a price of the person's own choosing, but may reserve

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- ${\tt l}$ the right to approve the purchaser of such mobile home as a
- 2 tenant but such permission may not be unreasonably withheld,
- 3 provided however, that the landlord may, in the event of a
- 4 sale to a third party, in order to upgrade the quality of
- 5 the manufactured home community or mobile home park, require
- 6 that any mobile home in a rundown condition or in disrepair be
- 7 removed from the manufactured home community or park within
- 8 sixty days. If the landlord does not approve the purchaser as
- 9 a tenant, the landlord shall provide the purchaser with written
- 10 notice of such denial and the general reason for the denial,
- ll but the landlord shall not be required to provide a specific
- 12 reason for the denial.
- 13 DIVISION VI
- 14 PROHIBITED RENTAL AGREEMENT PROVISION HOME EQUIPMENT
- 15 Sec. 12. Section 562B.11, subsection 1, Code 2022, is
- 16 amended by adding the following new paragraph:
- 17 NEW PARAGRAPH. e. Agrees to modify the mobile home,
- 18 manufactured home, or modular home in a way that would
- 19 substantially impair the ability of the tenant to move the
- 20 home from the mobile home space, unless such modification is
- 21 required by federal law, including but not limited to the
- 22 model manufactured home installation standards, 24 C.F.R. pt.
- 23 3285, the manufactured home construction and safety standards,
- 24 24 C.F.R. pt. 3280, or the manufactured home procedural and
- 25 enforcement regulations, 24 C.F.R. pt. 3282, or by state or
- 26 local law, the manufacturer's installation instructions, any
- 27 requirement arising from the landlord's financing of the home
- 28 or of the mobile home park or manufactured home community in
- 29 which the home is located, or unless such modification is
- 30 otherwise necessary for the safe and proper installation of the
- 31 home.
- 32 DIVISION VII
- 33 LANDLORD SALES
- 34 Sec. 13. NEW SECTION. 562B.17A Sale of mobile home by

35 landlord.

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- 1. Any sale of a mobile home located in a manufactured home
- 2 community or mobile home park by a landlord or landlord's agent
- 3 shall be by written agreement and the landlord shall, upon the
- 4 buyer's fulfillment of all payment and other terms under the
- 5 agreement, produce and assign the current certificate of title
- 6 obtained from the department of transportation. The agreement
- 7 shall state the basic terms of sale, including the total
- 8 cost of the mobile home, and, in the case of an installment
- 9 contract, finance charges, annual percentage rate, and the
- 10 frequency and amount of each installment payment.
- 11 2. If such sale does not comply with this section, the
- 12 court may award monetary or equitable relief, including voiding
- 13 the sale, and the buyer may recover damages incurred, amounts
- 14 paid as a rental deposit in excess of two months' rent, and
- 15 reasonable attorney fees.
- 3. A claim under subsection 2 may be combined with an action
- 17 under chapter 648.
- 18 Sec. 14. Section 648.19, subsection 1, Code 2022, is amended
- 19 to read as follows:
- 20 1. An action under this chapter shall not be filed in
- 21 connection with any other action, with the exception of a claim
- 22 for rent or recovery as provided in section 555B.3, 562A.24,
- 23 562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27, nor shall it
- 24 be made the subject of counterclaim.
- 25 DIVISION VIII
- 26 SALE OF MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK
- 27 Sec. 15. NEW SECTION. 562B.16A Sale of manufactured home
- 28 community or mobile home park notices.
- 29 Upon termination of the landlord's interest in the
- 30 manufactured home community or mobile home park, the landlord's
- 31 successor in interest shall have the same legal obligations,
- 32 rights, and remedies of the landlord, including with respect to
- 33 all rental agreements.
- 34 Sec. 16. APPLICABILITY. This division of this Act applies
- 35 to manufactured home community or mobile home park sale

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- 1 transactions made on or after the effective date of this
- 2 division of this Act.
- 3 DIVISION IX
- 4 REGULATION BY COUNTIES AND CITIES CONTINUING NONCONFORMING
- 5 USES
- 6 Sec. 17. Section 335.3, subsection 2, Code 2022, is amended
- 7 to read as follows:
- 8 2. <u>a.</u> When Except as provided in paragraph "b", when there
- 9 is a replacement of a preexisting manufactured, modular, or
- 10 mobile home with another any other manufactured, modular, or
- 11 mobile home containing no more than the original number of
- 12 dwelling units, or a replacement of a preexisting site-built
- 13 dwelling unit with a manufactured, modular, or mobile home or
- 14 site-built dwelling unit, within a manufactured home community
- 15 or a mobile home park, the board of supervisors shall not
- 16 adopt or enforce any ordinance, regulation, or restriction,
- 17 or impose any conditions on the replacement home, home site
- 18 upon which the home sits, or the owner's property that were not
- 19 required of the preexisting home, home site, or property, that
- 20 would prevent the continuance of the property owner's lawful
- 21 nonconforming use that had existed relating to the preexisting
- 22 home unless any of the following apply:, home site upon which
- 23 the home sat, or the owner's property.
- 24 b. Paragraph "a" does not apply if any of the following
- 25 conditions exist:
- 26 a. (1) A discontinuance is necessary for The replacement
- 27 of the preexisting home with the replacement home would
- 28 substantially increase the risk to the safety of life or
- 29 property.
- 30 b_r (2) The property owner has discontinued and abandoned
- 31 the nonconforming use has been discontinued for the period
- 32 of time established by ordinance, unless such discontinuance
- 33 is caused by circumstances outside the control of the
- 34 property owner. The period of time so established shall be
- 35 not less than one year. For purposes of this subparagraph,

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- 1 circumstances outside the control of the property owner
- 2 include floods, fires, destructive thunderstorm events such
- 3 as derechos and tornadoes, and similar catastrophic events
- 4 causing widespread or localized severe property damage. For
- 5 purposes of this subparagraph, a property owner shall not be
- 6 considered to have discontinued and abandoned the nonconforming
- 7 use if the property owner demonstrates that the applicable home
- 8 site continues to be available for use as a home site for a
- 9 replacement home.
- 10 c_{r} (3) The replacement results in the overall nature and
- 11 character of the present use being substantially or entirely
- 12 different from the original lawful preexisting nonconforming
- 13 use.
- 14 d_{\cdot} (4) The replacement results in an obstruction to a
- 15 shared driveway or shared sidewalk providing vehicular or
- 16 pedestrian access to other homes and uses unless the property
- 17 owner makes modifications to such shared driveway or sidewalk
- 18 that extinguishes such obstruction or the effects of such
- 19 obstruction.
- 20 Sec. 18. Section 414.1, subsection 1, paragraph c, Code
- 21 2022, is amended to read as follows:
- 22 c. (1) When Except when provided in subparagraph (2), when
- 23 there is a replacement of a preexisting manufactured, modular,
- 24 or mobile home with another any other manufactured, modular,
- 25 or mobile home containing no more than the original number of
- 26 dwelling units, or a replacement of a preexisting site-built
- 27 dwelling unit with a manufactured, modular, or mobile home or
- 28 site-built dwelling unit, within a manufactured home community
- 29 or a mobile home park, the city shall not adopt or enforce any
- 30 ordinance, regulation, or restriction, or impose any conditions
- 31 on the replacement home, home site upon which the home
- 32 sits, or the owner's property that were not required of the
- 33 preexisting home, home site, or property, that would prevent
- 34 the continuance of the property owner's lawful nonconforming
- 35 use that had existed relating to the preexisting home unless

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- 1 any of the following apply:, home site upon which the home sat,
- 2 or the owner's property.
- 3 (2) Subparagraph (1) does not apply if any of the following
- 4 conditions exist:
- 5 (1) (a) A discontinuance is necessary for The replacement
- 6 of the preexisting home with the replacement home would
- 7 substantially increase the risk to the safety of life or
- 8 property.
- 9 (2) (b) The property owner has discontinued and abandoned
- 10 the nonconforming use has been discontinued for the period of
- 11 time established by ordinance, unless such discontinuance is
- 12 caused by circumstances outside the control of the property
- 13 owner. The period of time so established shall be not less
- 14 than one year. For purposes of this subparagraph division,
- 15 circumstances outside the control of the property owner
- 16 include floods, fires, destructive thunderstorm events such as
- 17 derechos and tornadoes, and similar catastrophic events causing
- 18 widespread or localized severe property damage. For purposes
- 19 of this subparagraph division, a property owner shall not be
- 20 considered to have discontinued and abandoned the nonconforming
- 21 use if the property owner demonstrates that the applicable home
- 22 site continues to be available for use as a home site for a
- 23 replacement home.
- 24 (3) (c) The replacement results in the overall nature and
- 25 character of the present use being substantially or entirely
- 26 different from the original lawful preexisting nonconforming
- 27 use.
- 28 (4) (d) The replacement results in an obstruction to a
- 29 shared driveway or shared sidewalk providing vehicular or
- 30 pedestrian access to other homes and uses unless the property
- 31 owner makes modifications to such shared driveway or sidewalk
- 32 that extinguishes such obstruction or the effects of such
- 33 obstruction.
- 34 DIVISION X
- 35 FORCIBLE ENTRY AND DETAINER

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- 1 Sec. 19. Section 648.5, subsections 1 and 3, Code 2022, are
- 2 amended to read as follows:
- 3 1. a. An action for forcible entry and detainer shall
- 4 be brought in a county where all or part of the premises is
- 5 located. Such an action shall be tried as an equitable action.
- 6 Upon receipt of the petition, the court shall set a date, time,
- 7 and place for hearing. The court shall set the date of hearing
- 8 no later than eight days from the filing date, except that the
- 9 court shall set a later hearing date no later than fifteen days
- 10 from the date of filing if the plaintiff requests or consents
- 11 to the later date of hearing.
- 12 b. The requirement regarding the setting of the initial
- 13 hearing in paragraph a is not a jurisdictional requirement and
- 14 does not affect the court's subject matter jurisdiction to hear
- 15 the action for forcible entry and detainer.
- 3. Service of original notice by mail is deemed completed
- 17 four days after the notice is deposited in the mail and
- 18 postmarked for delivery, whether or not the recipient signs a
- 19 receipt for the original notice. In computing the time for
- 20 completion of service, the first day shall be excluded and the
- 21 final day shall be included regardless of whether the fourth
- 22 day is a Saturday, Sunday, or federal holiday.
- 23 DIVISION XI
- 24 ABANDONED MOBILE HOMES
- Sec. 20. Section 555B.3, Code 2022, is amended to read as
- 26 follows:
- 27 555B.3 Action for abandonment jurisdiction.
- 28 A real property owner not requesting notification by the
- 29 sheriff as provided in section 555B.2 may bring an action
- 30 alleging abandonment in the court within the county where the
- 31 real property is located provided that there is no lien on
- 32 the mobile home or personal property other than a tax lien
- 33 pursuant to chapter 435. The action shall be tried as an
- 34 equitable action. Unless commenced as a small claim, the
- 35 petition shall be presented to a district judge. Upon receipt

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- 1 of the petition, either the court or the clerk of the district
- 2 court shall set a date for a hearing not later than fourteen
- 3 days from the date of the receipt of the petition, except where
- 4 there is a lien on the mobile home or personal property other
- 5 than a tax lien, the court or the clerk of the district court
- 6 shall set a date for a hearing no sooner than twenty-five days
- 7 from the date of the receipt of the petition so as to allow for
- 8 service on the lienholder.
- 9 Sec. 21. Section 555B.4, Code 2022, is amended by adding the
- 10 following new subsections:
- 11 NEW SUBSECTION. 4. If a lien other than a tax lien exists
- 12 on the mobile home or personal property at the time an action
- 13 for abandonment is initiated, the personal service pursuant
- 14 to the Iowa rules of civil procedure shall be made upon the
- 15 lienholder no less than twenty days before the hearing. The
- 16 notice to the lienholder shall describe the mobile home and
- 17 shall state the docket, case number, date, and time at which
- 18 the hearing is scheduled, and the lienholder's right to assert
- 19 a claim to the mobile home at the hearing. The notice shall
- 20 state that failure to assert a claim to the mobile home within
- 21 the judicial proceedings is deemed a waiver of all rights,
- 22 title, claims, and interest in the mobile home and deemed to
- 23 be consent to the sale or disposal of the mobile home. If
- 24 personal service cannot be completed in time to give the
- 25 lienholder the minimum notice required by this subsection, the
- 26 court may set a new hearing date.
- 27 NEW SUBSECTION. 5. In the event a tenant who was sole owner
- 28 of a mobile home dies during the term of the rental agreement
- 29 resulting in the mobile home being abandoned, service shall be
- 30 made in accordance with section 562B.10, subsection 7.
- 31 Sec. 22. Section 555B.8, subsections 2 and 3, Code 2022, are
- 32 amended to read as follows:
- 33 2. If Except as otherwise ordered by the court, if the
- 34 mobile home owner or other claimant asserts a claim to the
- 35 property, the judgment shall be satisfied before the mobile

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- 1 home owner or other claimant may take possession of the mobile
 2 home or personal property.
- 3 3. If no claim is asserted to the mobile home or personal
- 4 property or if the judgment is not satisfied at the time of
- 5 entry, an order shall be entered allowing the real property
- 6 owner to sell or otherwise dispose of the mobile home and
- 7 personal property pursuant to section 555B.9. If Except as
- 8 otherwise ordered by the court, if a claimant satisfies the
- 9 judgment at the time of entry, the court shall enter an order
- 10 permitting and directing the claimant to remove the mobile home
- ll or personal property from its location within a reasonable time
- 12 to be fixed by the court. The court shall also determine the
- 13 amount of further rent or storage charges to be paid by the
- 14 claimant to the real property owner at the time of removal.
- 15 Sec. 23. Section 555B.9, subsections 1, 2, and 4, Code 2022,
- 16 are amended to read as follows:
- 1. Pursuant to an order for disposal under section 555B.8,
- 18 subsection 3, the real property owner shall dispose of the
- 19 mobile home and personal property by public or private sale in
- 20 a commercially reasonable manner. If the personal property
- 21 owner, lienholder, or other claimant has asserted a claim
- 22 to the mobile home or personal property within the judicial
- 23 proceedings, that person shall be notified of the sale by
- 24 restricted certified mail not less than five days before the
- 25 sale. The notice is deemed given upon the mailing. The real
- 26 property owner may buy at any public sale, and if the mobile
- 27 home or personal property is of a type customarily sold in
- 28 a recognized market or is the subject of widely distributed
- 29 standard price quotations, the real property owner may buy at a
- 30 private sale.
- 31 2. A sale pursuant to subsection 1 transfers to the
- 32 purchaser for value, all of the mobile home owner's rights
- 33 in the mobile home and personal property, and discharges the
- 34 real property owner's interest in the mobile home and personal
- 35 property, and any tax lien, and any other lien. The purchaser

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- 1 takes free of all rights and interests even though the real
- 2 property owner fails to comply with the requirements of this
- 3 chapter or of any judicial proceedings, if the purchaser acts
- 4 in good faith.
- 5 4. Notwithstanding subsections 1 through 3, the real
- 6 property owner may propose to retain the mobile home and
- 7 personal property in satisfaction of the judgment obtained
- 8 pursuant to section 555B.8. Written notice of the proposal
- 9 shall be sent to the mobile home owner, lienholder, or other
- 10 claimant, if that person has asserted a claim to the mobile
- 11 home or personal property in the judicial proceedings. If
- 12 the real property owner receives objection in writing from
- 13 the mobile home owner, lienholder, or other claimant within
- 14 twenty-one days after the notice was sent, the real property
- 15 owner shall dispose of the mobile home and personal property
- 16 pursuant to subsection 1. If no written objection is received
- 17 by the real property owner within twenty-one days after the
- 18 notice was sent, the mobile home and personal property may be
- 19 retained. Retention of the mobile home and personal property
- 20 discharges the judgment of the real property owner, and any tax
- 21 lien, and any other lien.
- Sec. 24. Section 555B.9, subsection 3, Code 2022, is amended
- 23 by adding the following new paragraph:
- 24 NEW PARAGRAPH. Oc. Third, to satisfy any other lien
- 25 for which a claim was asserted pursuant to section 555B.4,
- 26 subsection 4.
- 27 Sec. 25. Section 562B.10, subsection 7, Code 2022, is
- 28 amended to read as follows:
- 29 7. a. If a tenant who was sole owner of a mobile home dies
- 30 during the term of a rental agreement then that person's heirs
- 31 at law or legal the personal representative of the decedent's
- 32 estate, or the landlord shall have the right to cancel the
- 33 tenant's lease by giving sixty days' written notice to the
- 34 person's heirs at law or legal the personal representative
- 35 of the decedent's estate, or to the landlord, whichever

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- 1 is appropriate, and the heirs $\underline{\text{at law}}$ or the $\underline{\text{legal}}$ $\underline{\text{personal}}$
- 2 representative of the decedent's estate, shall have the same
- 3 rights, privileges and liabilities of the original tenant,
- 4 provided that such heirs at law and personal representative
- 5 of the estate shall not have the right to occupy or otherwise
- 6 use the home or mobile home space as a tenant unless approved
- 7 by the landlord as a tenant. In the event the landlord,
- 8 after such a written notice is given and the tenant's lease
- 9 is canceled, brings an action for forcible entry and detainer
- 10 or action for abandonment, the estate of the tenant and the
- 11 person's located heirs at law or personal representative shall
- 12 be named as defendants in the action. The landlord may serve
- 13 notice upon such defendants pursuant to the method set forth
- 14 in section 562B.27A, subsection 1, paragraph "c", or by mailing
- 15 notice by both regular mail and certified mail, as defined in
- 16 section 618.15, to the defendant's last known address.
- 17 b. (1) If a tenant who was sole owner of a mobile home dies
- 18 during the term of a rental agreement resulting in the mobile
- 19 home being abandoned as provided in section 562B.27, subsection
- 20 1, and the landlord cannot, despite due diligence, locate such
- 21 a tenant's heirs at law or personal representative, then the
- 22 landlord may bring an action for abandonment as provided in
- 23 section 555B.3, naming as defendants the estate of the tenant
- 24 and all unknown heirs at law of the tenant, and, upon the
- 25 landlord's filing of an affidavit that personal service cannot
- 26 be had on any heirs at law, personal representative, or estate
- 27 of the tenant, the court shall permit original notice of such
- 28 action to be served by publication pursuant to subparagraph
- 29 (2).
- 30 (2) Publication of original notice shall be made once each
- 31 week for three consecutive weeks in a newspaper of general
- 32 circulation published in the county where the petition is
- 33 filed, pursuant to the Iowa rules of civil procedure. Service
- 34 is complete after the third consecutive weekly publication.
- 35 (3) In the event any tax lien or other liens exist on

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- 1 the mobile home, the landlord may proceed with an action for
- 2 abandonment as provided in section 555B.3, except that the
- 3 notice shall be provided to the county treasurer as provided
- 4 in section 555B.4, subsection 3, if a tax lien exists, and
- 5 personal service pursuant to the Iowa rules of civil procedure
- 6 shall be made upon any lienholder no less than twenty days
- 7 before the hearing. Any notice to a lienholder shall state
- 8 that failure to assert a claim to the mobile home is deemed a
- 9 waiver of all rights, title, claims, and interest in the mobile
- 10 home and is deemed consent to the sale or disposal of the
- 11 mobile home. If personal service upon the lienholder cannot
- 12 be completed in time to give the lienholder the minimum notice
- 13 required by this subsection, the court may set a new hearing
- 14 date.>
- 15 2. Title page, lines 5 and 6, by striking <the repeal of the</p>
- 16 manufactured home community and mobile home tax, > and inserting
- 17 <regulation by counties and cities of continuing nonconforming
- 18 uses of manufactured, modular, and mobile homes,>

By AMY SINCLAIR

S-5131 FILED APRIL 19, 2022 ADOPTED

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S-5133

- 1 Amend House File 2078, as amended, passed, and reprinted by
- 2 the House, as follows:
- By striking everything after the enacting clause and
- 4 inserting:
- 5 <Section 1. Section 633.279, Code 2022, is amended by adding
- 6 the following new subsections:
- 7 NEW SUBSECTION. 3. Electronic presence requirements. For
- 8 electronic presence, the testator must provide verbal answers
- 9 to all of the following questions, asked in substantially the
- 10 following manner before signing:
- 11 a. Are you currently married? If so, please state the name
- 12 of your spouse.
- 13 b. Please state the names of anyone who assisted you in
- 14 accessing the video conference today.
- 15 c. Please state the names of anyone who assisted you in
- 16 preparing or reviewing the documents you are signing today.
- 17 d. Where are you currently located?
- 18 e. Who is in the room with you?
- 19 NEW SUBSECTION. 4. Retention of remote execution record. A
- 20 will for which a communication technology was used must
- 21 be video recorded. The attorney for the testator using
- 22 communication technology for the signing of a will, or other
- 23 party facilitating the remote signing of a will if the testator
- 24 has no attorney, shall retain the video recording, or cause the
- 25 video recording to be retained by a repository designated by or
- 26 on behalf of the person required to retain the video recording.
- 27 Unless the testator dies sooner or terminates the relationship
- 28 with the attorney or other person required to retain the
- 29 record, the video recording must be retained for a period of at
- 30 least ten years after the video recording is made.
- 31 NEW SUBSECTION. 5. Execution of remote will in
- 32 counterparts. When a will is executed using a communication
- 33 technology under this section, the original document may
- 34 be executed in one or more counterparts by parties located
- 35 in different locations, and all such counterparts may be

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- 1 aggregated to comprise the complete will of the testator.
- NEW SUBSECTION. 6. Remote wills under disaster proclamation
- 3 deemed to satisfy this section. Any wills executed using the
- 4 remote signing procedures permitted under the proclamation of
- 5 disaster emergency of the governor issued March 22, 2020, shall
- 6 be deemed to satisfy the presence requirements of this section
- 7 if the will was executed during the effective dates of the
- 8 proclamation of disaster emergency.
- 9 NEW SUBSECTION. 7. Definition. For purposes for this
- 10 section, "presence" means any manner, physical or electronic,
- 11 in which the witnesses and testator can see and hear the acts
- 12 of each other in real time using a communication technology
- 13 that meets the requirements of section 9B.14A, subsection 1,
- 14 paragraph "a".
- 15 Sec. 2. Section 633.301, Code 2022, is amended to read as
- 16 follows:
- 17 633.301 Copy of will for executor.
- 18 When Upon request by the executor, when a will has been
- 19 admitted to probate and certified pursuant to section 633.300,
- 20 the clerk shall cause a certified copy thereof to be placed
- 21 in the hands of the executor to whom letters are issued. The
- 22 clerk shall retain the will in a separate file provided for
- 23 that purpose until the time for contest has expired, and
- 24 promptly thereafter shall place it with the files of the
- 25 estate.>
- 26 2. Title page, by striking line 1 and inserting <An Act
- 27 relating to wills, including witness requirements for the
- 28 execution of a will and procedure for wills to be admitted into
- 29 probate.>

By JULIAN GARRETT

S-5133 FILED APRIL 19, 2022 ADOPTED

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S-5138

- 1 Amend House File 2507, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 l. Page 20, line 24, by striking $\langle a. \rangle$
- 4 2. Page 20, line 26, by striking <(1)> and inserting <a.>
- 5 3. Page 20, line 28, by striking $\langle (2) \rangle$ and inserting $\langle b \rangle$
- 6 4. Page 20, line 30, by striking <(3)> and inserting < c.>
- 7 5. Page 20, line 34, by striking <(a)> and inserting <(1)>
- 8 6. Page 21, line 1, by striking <(b)> and inserting <(2)>
- 9 7. Page 21, line 2, by striking <(c)> and inserting <(3)>
- 8. Page 21, line 4, by striking <(d)> and inserting <(4)>
- 9. Page 21, line 10, by striking <(e)> and inserting <(5)>
- 12 10. Page 21, line 12, by striking <(4)> and inserting <d.>
- 13 ll. Page 21, line 12, after <physician> by inserting <,
- 14 physician assistant,>
- 15 12. Page 21, lines 18 and 19, by striking <paragraph "a",
- 16 subparagraph (2) or (3), and inserting $\langle paragraph "b" or "c", \rangle$
- 17 13. Page 22, lines 9 through 11, by striking <"a",
- 18 subparagraph (3), the court may identify a category listed in
- 19 subsection 2, paragraph "a", subparagraph (3), and inserting
- 20 < c'', the court may identify a category listed in subsection 2,
- 21 paragraph "c",>
- 22 14. Page 22, lines 22 and 24, by striking <"a", subparagraph
- 23 (3), subparagraph division (b), (c), (d), or (e), and
- 24 inserting < c'', subparagraph (2), (3), (4), or (5),>
- 25 15. Page 22, line 28, by striking <"a", subparagraph (2) or</p>
- 26 (3), and inserting $\langle b'' \rangle$ or c'',
- 27 16. Page 23, lines 17 and 18, by striking <"a", subparagraph
- 28 (2) or (3), and inserting $\langle a^{"}a" \rangle or c"$,
- 29 17. Page 24, lines 12 and 13, by striking <"a", subparagraph
- 30 (3), subparagraph division (b), (c), (d), or (e), and
- 31 inserting < "c", subparagraph (2), (3),(4), or (5),>
- 32 18. Page 24, line 21, by striking $\langle a'' \rangle$ and inserting
- 33 <"c",>
- 34 19. Page 25, line 21, by striking <paragraph a,>
- 35 20. Page 25, line 22, by striking <paragraph> and inserting

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1 <subsection>

- 2 21. Page 25, line 24, before <a.> by inserting <1.>
- 3 22. Page 41, line 35, before <Contingent> by inserting <1.>
- 4 23. Page 41, line 35, by striking <these purposes, > and
- 5 inserting <juvenile delinquent graduated sanctions services,>
- 6 24. Page 42, line 2, by striking <1.> and inserting <a.>
- 7 25. Page 42, line 6, by striking <2.> and inserting <b.>
- 8 26. Page 42, line 9, by striking <3.> and inserting <c.>
- 9 27. Page 42, line 14, by striking $\langle 4. \rangle$ and inserting $\langle d. \rangle$
- 10 28. Page 42, after line 16 by inserting:
- 11 <2. The supreme court shall prescribe rules to implement
- 12 this section.>
- 29. Page 42, by striking lines 22 through 32 and inserting:
- 14 <1. a. Notwithstanding any other provision of law to the
- 15 contrary, and subject to subsection 2, for the fiscal years
- 16 beginning on or after July 1, 2020, federal funds received by
- 17 the state pursuant to Tit. IV-B or Tit. IV-E of the federal
- 18 Social Security Act or the federal Family First Prevention
- 19 Services Act of 2018, Pub. L. No. 115-123, as the result
- 20 of the expenditure of state funds by the judicial branch,
- 21 including state funds expended during a previous state fiscal
- 22 year, are appropriated to the judicial branch to be used as
- 23 additional funding for juvenile court services, juvenile
- 24 delinquent graduated sanctions services, and court-ordered
- 25 services, including but not limited to qualified expenses and
- 26 administrative costs.
- 27 b. Notwithstanding section 8.33, moneys appropriated to the
- 28 judicial branch under paragraph "a" that remain unencumbered or
- 29 unobligated at the close of the fiscal year shall not revert
- 30 to the general fund of the state but shall remain available
- 31 to the judicial branch for expenditure for juvenile court
- 32 services, juvenile delinquent graduated sanctions services, and
- 33 court-ordered services, including but not limited to qualified
- 34 expenses and administrative costs, for the next two succeeding
- 35 fiscal years.

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- 2. The department of human services may retain and is
- 2 appropriated the portion of the federal funds received pursuant
- 3 to subsection 1 in an amount equal to the administrative costs
- 4 incurred by the department of human services in obtaining such
- 5 funds.>
- 7 and making appropriations>

By JEFF EDLER

S-5138 FILED APRIL 19, 2022

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S-5134

- 1 Amend House File 2562, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 l. By striking everything after the enacting clause and
- 4 inserting:
- 5 <Section 1. Section 562A.9, subsection 4, Code 2022, is
- 6 amended to read as follows:
- 7 4. For rental agreements in which the rent does not exceed
- 8 seven hundred dollars per month, a rental agreement shall not
- 9 provide for a late fee that exceeds twelve dollars per day or a
- 10 total amount of sixty dollars per month. For rental agreements
- 11 in which the rent is greater than seven hundred dollars per
- 12 month but less than one thousand four hundred dollars per
- 13 month, a rental agreement shall not provide for a late fee that
- 14 exceeds twenty dollars per day or a total amount of one hundred
- 15 dollars per month. For rental agreements in which the rent is
- 16 at least one thousand four hundred dollars per month, a rental
- 17 agreement shall not provide for a late fee that exceeds two
- 18 percent of the rent per day or a total amount of ten percent of
- 19 the rent per month.
- Sec. 2. Section 562B.10, subsections 4 and 5, Code 2022, are
- 21 amended to read as follows:
- 22 4. For rental agreements in which the rent does not exceed
- 23 seven hundred dollars per month, a rental agreement shall not
- 24 provide for a late fee that exceeds twelve dollars per day or a
- 25 total amount of sixty dollars per month. For rental agreements
- 26 in which the rent is greater than seven hundred dollars per
- 27 month but less than one thousand four hundred dollars per
- 28 month, a rental agreement shall not provide for a late fee that
- 29 exceeds twenty dollars per day or a total amount of one hundred
- 30 dollars per month. For rental agreements in which the rent is
- 31 at least one thousand four hundred dollars per month, a rental
- 32 agreement shall not provide for a late fee that exceeds two
- 33 percent of the rent per day or a total amount of ten percent of
- 34 the rent per month.
- 35 5. a. Rental agreements shall be for a term of one year

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- 1 unless otherwise specified in the rental agreement. Rental
- 2 agreements shall be canceled by at least sixty days' written
- 3 notice given by either party. A notice to cancel under this
- 4 subsection initiated by a landlord shall be for good cause. A
- 5 landlord shall not cancel a rental agreement solely for the
- 6 purpose of making the tenant's mobile home space available for
- 7 another mobile home.
- 8 b. For purposes of this subsection, "good cause" means a
- 9 violation of this chapter by the tenant, a material violation
- 10 of the manufactured home community or mobile home park rules
- ll or regulations, a change in the use of the land on which the
- 12 mobile home park is located, or material noncompliance with the
- 13 rental agreement by the tenant.
- 14 Sec. 3. NEW SECTION. 562B.12A Increasing rent.
- 15 A landlord shall not increase the rent on any tenant in a
- 16 mobile home park unless the landlord has provided notice at
- 17 least one hundred eighty days in advance of the rent increase.
- 18 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
- 19 importance, takes effect upon enactment.>
- 20 2. Title page, by striking lines 1 through 9 and inserting
- 21 <An Act providing for remedies, procedures, and requirements
- 22 applicable to landlords under specified circumstances and
- 23 including effective date provisions.>

By ZACH WAHLS

<u>S-5134</u> FILED APRIL 19, 2022

NOT GERMANE

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S-5135

- 1 Amend House File 2562, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 l. Page 2, by striking lines 28 through 30 and inserting
- 5 the tenant within five business days of receiving the notice
- 6 from the utility provider.>

By HERMAN C. QUIRMBACH

<u>S-5135</u> FILED APRIL 19, 2022 LOST

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S-5136

- 1 Amend House File 2562, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 1. By striking page 1, line 31, through page 2, line 1, and
- 4 inserting:
- 5 <5. Rental agreements shall be for a term of one year</p>
- 6 unless otherwise specified in the rental agreement a tenant in
- 7 writing requests a shorter term or tenant and landlord agree in
- 8 writing to a longer term. Rental agreements shall be canceled
- 9 terminated by at least sixty ninety days' written notice given
- 10 by either party before the term is due to expire. A landlord
- 11 shall not cancel a rental agreement solely for the purpose of
- 12 making the tenant's mobile home space available for another
- 13 mobile home.>

By HERMAN C. QUIRMBACH

<u>S-5136</u> FILED APRIL 19, 2022 LOST

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S-5137

- 1 Amend House File 2562, as amended, passed, and reprinted by
- 2 the House, as follows:
- By striking everything after the enacting clause and
- 4 inserting:
- 5 < DIVISION I
- 6 GROUNDS FOR TERMINATION OF TENANCY
- 7 Section 1. Section 562B.10, Code 2022, is amended by adding
- 8 the following new subsection:
- 9 NEW SUBSECTION. 4A. A landlord may only terminate a tenancy
- 10 if the tenant engages in any of the following or for any of the
- 11 following reasons:
- 12 a. A material noncompliance with the rental agreement.
- 13 b. A material violation of the manufactured home community
- 14 or mobile home park rules or regulations.
- 15 c. Any other violation of this chapter for which termination
- 16 is a remedy.
- 17 d. A legitimate and material business reason the impact of
- 18 which is not specific to one tenant.
- 19 e. A change in the use of the land if change in the use of
- 20 the land is included in the rental agreement as grounds for
- 21 termination or nonrenewal.
- 22 Sec. 2. EFFECTIVE DATE. This division of this Act, being
- 23 deemed of immediate importance, takes effect upon enactment.
- 24 Sec. 3. APPLICABILITY. This division of this Act applies
- 25 to terminations of tenancies on or after the effective date of
- 26 this division of this Act.
- 27 DIVISION II
- 28 RETALIATION
- 29 Sec. 4. Section 562B.32, subsection 1, paragraph d, Code
- 30 2022, is amended to read as follows:
- 31 d. For exercising any of the rights and remedies pursuant
- 32 to this chapter or chapter 216.
- 33 Sec. 5. Section 562B.32, subsection 2, Code 2022, is amended
- 34 to read as follows:
- 35 2. If the landlord acts in violation of subsection 1

- 1 of this section, the tenant is entitled to the remedies
- 2 provided in section 562B.24 and has a defense in an action for
- 3 possession. In an action by or against the tenant, evidence
- 4 of a complaint within six months one year prior to the alleged
- 5 act of retaliation creates a presumption that the landlord's
- 6 conduct was in retaliation. The presumption does not arise
- 7 if the tenant made the complaint after notice of termination
- 8 of the rental agreement. For the purpose of this subsection,
- 9 "presumption" means that the trier of fact must find the
- 10 existence of the fact presumed unless and until evidence is
- 11 introduced which would support a finding of its nonexistence.
- 12 Sec. 6. EFFECTIVE DATE. This division of this Act, being
- 13 deemed of immediate importance, takes effect upon enactment.
- 14 DIVISION III
- 15 CONSUMER FRAUD
- 16 Sec. 7. Section 562B.4, Code 2022, is amended by adding the
- 17 following new subsection:
- 18 NEW SUBSECTION. 3. A violation of this chapter by a
- 19 landlord, or an agent of the landlord, is an unlawful practice
- 20 under section 714.16.
- 21 Sec. 8. Section 714.16, subsection 2, Code 2022, is amended
- 22 by adding the following new paragraph:
- 23 NEW PARAGRAPH. q. It is an unlawful practice for a landlord
- 24 or the landlord's agent to violate any of the provisions of
- 25 chapter 562B.
- 26 Sec. 9. EFFECTIVE DATE. This division of this Act, being
- 27 deemed of immediate importance, takes effect upon enactment.
- 28 Sec. 10. APPLICABILITY. This division of this Act applies
- 29 to violations of chapter 562B occurring on or after the
- 30 effective date of this division of this Act.
- 31 DIVISION IV
- 32 RENT INCREASES
- 33 Sec. 11. Section 562B.14, subsection 7, Code 2022, is
- 34 amended by striking the subsection and inserting in lieu
- 35 thereof the following:

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- 1 7. a. A landlord shall not increase the amount of rent due
- 2 by any tenant in a manufactured home community or mobile home
- 3 park unless the tenant is notified, in writing, of the rent
- 4 increase at least one hundred eighty days before the effective
- 5 date of the rent increase. The effective date of any increase
- 6 in the amount of rent shall not be less than one year after
- 7 either the effective date of the most recent rent increase or
- 8 the beginning of the tenancy, whichever is later.
- 9 b. (1) Subject to paragraph "a", a landlord may increase
- 10 the amount of rent due by any tenant in an amount greater than
- 11 the average annual increase of the consumer price index for all
- 12 urban consumers in the midwest region for the most recently
- 13 available preceding thirty-six-month period, if the landlord
- 14 demonstrates the increase is justified for all of the following
- 15 conditions:
- 16 (a) The landlord, during the preceding twelve-month period,
- 17 has not been found in violation of any provision of this
- 18 chapter that threatens the health or safety of the tenants of
- 19 or visitors to the manufactured home community or mobile home
- 20 park that persists for more than fifteen days, beginning on the
- 21 day the landlord received notice of such violation.
- 22 (b) The proposed rent increase is directly related to
- 23 operating, maintaining, or improving the manufactured home
- 24 community or mobile home park, and is justified by one or more
- 25 of the following factors:
- 26 (i) The completion and cost of any capital improvements or
- 27 repair work in the manufactured home community or mobile home
- 28 park, as distinguished from ordinary repair, replacement, and
- 29 maintenance.
- 30 (ii) An increase in property taxes due on the manufactured
- 31 home community or mobile home park.
- 32 (iii) If the landlord is responsible for payment of one
- 33 or more utilities, an increase in utility expenses within the
- 34 manufactured home community or mobile home park.
- 35 (iv) An increase in insurance costs and financing

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- 1 associated with the manufactured home community or mobile home 2 park.
- 3 (v) An increase in reasonable operating and maintenance
- 4 expenses relating to the manufactured home community or mobile
- 5 home park.
- 6 (vi) An increase in market rent. For purposes of this
- 7 section, "market rent" means that rent which would result from
- 8 market forces absent an unequal bargaining position between the
- 9 landlord and tenants. In determining market rent, relevant
- 10 considerations include rents charged to recent new tenants of
- 11 the manufactured home community or mobile home park or rents
- 12 charged by comparable manufactured home communities or mobile
- 13 home parks. To be comparable, a manufactured home community or
- 14 mobile home park must be within the competitive area and must
- 15 offer similar facilities, services, amenities, and management.
- 16 (c) The department of revenue shall monitor the consumer
- 17 price index for all urban consumers in the midwest region and
- 18 report the relevant data to the consumer protection division of
- 19 the office of the attorney general for periodic publication.
- c. The written notice of a rent increase provided to the
- 21 tenant shall include the specific reasons for the increase
- 22 including the justification under paragraph "b", if applicable.
- 23 d. A decrease in the number or quality of amenities,
- 24 services, or utilities provided under the rental agreement
- 25 without a corresponding and proportionate reduction in rent
- 26 shall be considered a rent increase for the purposes of this
- 27 chapter.
- 28 Sec. 12. EFFECTIVE DATE. This division of this Act, being
- 29 deemed of immediate importance, takes effect upon enactment.
- 30 Sec. 13. APPLICABILITY. The following applies to rent
- 31 increases under chapter 562B occurring on or after the
- 32 effective date of this division of this Act:
- 33 Section 562B.14, subsection 7, paragraphs "a" and "d", as
- 34 enacted in this division of this Act.
- 35 Sec. 14. APPLICABILITY. The following applies to rent

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- 1 increases under chapter 562B occurring on or after July 1,
- 2 2022:
- 3 Section 562B.14, subsection 7, paragraphs "b" and "c", as
- 4 enacted in this division of this Act.
- 5 DIVISION V
- 6 LANDLORD REMEDIES AND PROCEDURES
- 7 Sec. 15. Section 555B.3, Code 2022, is amended to read as
- 8 follows:
- 9 555B.3 Action for abandonment jurisdiction.
- 10 A real property owner not requesting notification by the
- 11 sheriff as provided in section 555B.2 may bring an action
- 12 alleging abandonment in the court within the county where the
- 13 real property is located provided that there is no lien on
- 14 the mobile home or personal property other than a tax lien
- 15 pursuant to chapter 435. The action shall be tried as an
- 16 equitable action. Unless commenced as a small claim, the
- 17 petition shall be presented to a district judge. Upon receipt
- 18 of the petition, either the court or the clerk of the district
- 19 court shall set a date for a hearing not later than fourteen
- 20 days from the date of the receipt of the petition, except when
- 21 there is a lien on the mobile home or personal property, other
- 22 than a tax lien, the court or the clerk of the district court
- 23 shall set a date for a hearing no sooner than twenty-five days
- 24 from the date of the receipt of the petition so as to allow for
- 25 service on the lienholder.
- Sec. 16. Section 555B.4, Code 2022, is amended by adding the
- 27 following new subsection:
- NEW SUBSECTION. 4. If a lien, other than a tax lien, exists
- 29 on the mobile home or personal property at the time an action
- 30 for abandonment is initiated, personal service pursuant to rule
- 31 of civil procedure 1.305 shall be made upon the lienholder
- 32 no less than twenty days before the hearing. The notice to
- 33 the lienholder shall describe the mobile home and shall state
- 34 the docket, case number, date, time at which the hearing is
- 35 scheduled, and the lienholder's right to assert a claim to

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- 1 the mobile home at the hearing. The notice shall also state
- 2 that failure to assert a claim to the mobile home within the
- 3 judicial proceedings is deemed a waiver of all right, title,
- 4 claim, and interest in the mobile home and is deemed consent to
- 5 the sale or disposal of the mobile home. If personal service
- 6 upon the lienholder cannot be completed in time to give the
- 7 lienholder the minimum notice required by this section, the
- 8 court may set a new hearing date.
- 9 Sec. 17. Section 555B.8, subsections 2 and 3, Code 2022, are
- 10 amended to read as follows:
- 11 2. If Except as otherwise ordered by the court, if the
- 12 mobile home owner or other claimant asserts a claim to the
- 13 property, the judgment shall be satisfied before the mobile
- 14 home owner or other claimant may take possession of the mobile
- 15 home or personal property.
- 16 3. If no claim is asserted to the mobile home or personal
- 17 property or if the judgment is not satisfied at the time of
- 18 entry, an order shall be entered allowing the real property
- 19 owner to sell or otherwise dispose of the mobile home and
- 20 personal property pursuant to section 555B.9. If Except as
- 21 otherwise ordered by the court, if a claimant satisfies the
- 22 judgment at the time of entry, the court shall enter an order
- 23 permitting and directing the claimant to remove the mobile home
- 24 or personal property from its location within a reasonable time
- 25 to be fixed by the court. The court shall also determine the
- 26 amount of further rent or storage charges to be paid by the
- 27 claimant to the real property owner at the time of removal.
- 28 Sec. 18. Section 555B.9, subsections 1, 2, 3, and 4, Code
- 29 2022, are amended to read as follows:
- 30 l. Pursuant to an order for disposal under section 555B.8,
- 31 subsection 3, the real property owner shall dispose of the
- 32 mobile home and personal property by public or private sale in
- 33 a commercially reasonable manner. If the personal property,
- 34 lienholder, owner, or other claimant has asserted a claim
- 35 to the mobile home or personal property within the judicial

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- 1 proceedings, that person shall be notified of the sale by
- 2 restricted certified mail not less than five days before the
- 3 sale. The notice is deemed given upon the mailing. The real
- 4 property owner may buy at any public sale, and if the mobile
- 5 home or personal property is of a type customarily sold in
- 6 a recognized market or is the subject of widely distributed
- 7 standard price quotations, the real property owner may buy at a
- 8 private sale.
- 9 2. A sale pursuant to subsection 1 transfers to the
- 10 purchaser for value, all of the mobile home owner's rights
- 11 in the mobile home and personal property, and discharges the
- 12 real property owner's interest in the mobile home and personal
- 13 property, and any tax lien, and any other lien. The purchaser
- 14 takes free of all rights and interests even though the real
- 15 property owner fails to comply with the requirements of this
- 16 chapter or of any judicial proceedings, if the purchaser acts
- 17 in good faith.
- 18 3. The proceeds of the sale of mobile home and personal
- 19 property shall be distributed as follows:
- 20 a. First, to satisfy the real property owner's judgment
- 21 obtained under section 555B.8.
- 22 b. Second, to satisfy any tax lien for which a claim was
- 23 asserted pursuant to section 555B.4, subsection 3.
- 24 Oc. Third, to satisfy any other lien for which a claim was
- 25 asserted pursuant to section 555B.4, subsection 4.
- 26 c. Any surplus remaining after the proceeds are distributed
- 27 shall be held by the real property owner for six months. If
- 28 the mobile home owner fails to claim the surplus in that time,
- 29 the surplus may be retained by the real property owner. If
- 30 a deficiency remains after distribution of the proceeds, the
- 31 mobile home owner is liable for the amount of the deficiency.
- 32 4. Notwithstanding subsections 1 through 3, the real
- 33 property owner may propose to retain the mobile home and
- 34 personal property in satisfaction of the judgment obtained
- 35 pursuant to section 555B.8. Written notice of the proposal

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- 1 shall be sent to the mobile home owner, lienholder, or other
- 2 claimant, if that person has asserted a claim to the mobile
- 3 home or personal property in the judicial proceedings. If
- 4 the real property owner receives objection in writing from
- 5 the mobile home owner, lienholder, or other claimant within
- 6 twenty-one days after the notice was sent, the real property
- 7 owner shall dispose of the mobile home and personal property
- 8 pursuant to subsection 1. If no written objection is received
- 9 by the real property owner within twenty-one days after the
- 10 notice was sent, the mobile home and personal property may be
- 11 retained. Retention of the mobile home and personal property
- 12 discharges the judgment of the real property owner, and any tax
- 13 lien, and any other lien.
- 14 Sec. 19. Section 562A.9, subsection 4, Code 2022, is amended
- 15 to read as follows:
- 16 4. For rental agreements in which the rent does not exceed
- 17 seven hundred dollars per month, a rental agreement shall not
- 18 provide for a late fee that exceeds twelve dollars per day or a
- 19 total amount of sixty dollars per month. For rental agreements
- 20 in which the rent is greater than seven hundred dollars per
- 21 month but less than one thousand four hundred dollars per
- 22 month, a rental agreement shall not provide for a late fee that
- 23 exceeds twenty dollars per day or a total amount of one hundred
- 24 dollars per month. For rental agreements in which the rent is
- 25 at least one thousand four hundred dollars per month, a rental
- 26 agreement shall not provide for a late fee that exceeds two
- 27 percent of the rent per day or a total amount of ten percent of
- 28 the rent per month.
- 29 Sec. 20. Section 562B.10, subsections 4 and 7, Code 2022,
- 30 are amended to read as follows:
- 31 4. For rental agreements in which the rent does not exceed
- 32 seven hundred dollars per month, a rental agreement shall not
- 33 provide for a late fee that exceeds twelve dollars per day or a
- 34 total amount of sixty dollars per month. For rental agreements
- 35 in which the rent is greater than seven hundred dollars per

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- 1 month but less than one thousand four hundred dollars per
- 2 month, a rental agreement shall not provide for a late fee that
- 3 exceeds twenty dollars per day or a total amount of one hundred
- 4 dollars per month. For rental agreements in which the rent is
- 5 at least one thousand four hundred dollars per month, a rental
- 6 agreement shall not provide for a late fee that exceeds two
- 7 percent of the rent per day or a total amount of ten percent of
- 8 the rent per month.
- 9 7. a. If a tenant who was sole owner of a mobile home dies
- 10 during the term of a rental agreement then that person's heirs
- ll or legal representative or the landlord shall have the right
- 12 to cancel the tenant's lease by giving sixty days' written
- 13 notice to the person's heirs or legal representative or to
- 14 the landlord, whichever is appropriate, and the heirs or the
- 15 legal representative shall have the same rights, privileges and
- 16 liabilities of the original tenant.
- 17 b. (1) If a tenant who was sole owner of a mobile home dies
- 18 during the term of a rental agreement resulting in the mobile
- 19 home being abandoned as provided in section 562B.27, subsection
- 20 1, and the landlord cannot, despite due diligence, locate such
- 21 tenant's heirs or legal representatives, then the landlord may
- 22 bring an action for abandonment as provided in section 555B.3,
- 23 naming as defendants the estate of the tenant and any and all
- 24 unknown heirs of the tenant and, upon the landlord's filing
- 25 of an affidavit that personal service cannot be had on any
- 26 heir, legal representative, or estate of the tenant, the court
- 27 shall permit original notice of such action to be served by
- 28 publication pursuant to subparagraph (2) of this paragraph.
- 29 (2) Publication of the original notice shall be made
- 30 once each week for three consecutive weeks in a newspaper of
- 31 general circulation published in the county where the petition
- 32 is filed, as provided in rules of civil procedure 1.313 and
- 33 1.314. Service is complete after the third consecutive weekly
- 34 publication.
- 35 (3) In the event any tax lien or other lien exists on

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- 1 the mobile home, the landlord may proceed with an action for
- 2 abandonment as provided in section 555B.3, except that:
- 3 (a) Notice shall be provided to the county treasurer as
- 4 provided in section 555B.4, subsection 3, if a tax lien exists.
- 5 (b) Personal service pursuant to rule of civil procedure
- 6 1.305 shall be made upon any lienholder no less than twenty
- 7 days before the hearing.
- 8 (4) Any notice to a lienholder shall state that failure
- 9 to assert a claim to the mobile home is deemed a waiver of
- 10 all right, title, claim, and interest in the mobile home and
- 11 is deemed consent to the sale or disposal of the mobile home.
- 12 If personal service upon the lienholder cannot be completed
- 13 in time to give the lienholder the minimum notice required by
- 14 subparagraph (3), the court may set a new hearing date.
- 15 Sec. 21. Section 648.5, subsection 1, Code 2022, is amended
- 16 to read as follows:
- 17 l. An action for forcible entry and detainer shall be
- 18 brought in a county where all or part of the premises is
- 19 located. Such an action shall be tried as an equitable action.
- 20 Upon receipt of the petition, the court shall set a date,
- 21 time, and place for hearing. The court shall set the date
- 22 of hearing no later than eight days from the filing date,
- 23 except that the court shall set a later hearing date no later
- 24 than fifteen days from the date of filing if the plaintiff
- 25 requests or consents to the later date of hearing. The
- 26 requirement regarding the setting of the initial hearing is not
- 27 a jurisdictional requirement and does not affect the court's
- 28 subject matter jurisdiction to hear the action for forcible
- 29 entry and detainer.
- 30 DIVISION VI
- 31 MANUFACTURED HOUSING PROGRAM FUND
- 32 Sec. 22. Section 16.45, subsection 1, Code 2022, is amended
- 33 to read as follows:
- 34 1. A manufactured housing program fund is created within
- 35 the authority to further the goal of providing affordable

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- 1 housing to Iowans. The moneys in the fund are to be used for
- 2 the purpose of providing funding to financial institutions or
- 3 other lenders to finance the purchase by an individual of a
- 4 manufactured home that is in compliance with all laws, rules,
- 5 and standards that are applicable to manufactured homes and
- 6 manufactured housing. The manufactured housing program fund
- 7 is designed exclusively for manufactured homes sited on leased
- 8 land.
- 9 DIVISION VII
- 10 TENANT COUNTERCLAIM FOR LANDLORD NONCOMPLIANCE
- 11 Sec. 23. Section 562B.25, Code 2022, is amended by adding
- 12 the following new subsection:
- NEW SUBSECTION. 5. a. In an action for possession based
- 14 upon nonpayment of the rent or in an action for rent where the
- 15 tenant is in possession, the tenant may counterclaim for an
- 16 amount which the tenant may recover under the rental agreement
- 17 or this chapter. In that event, the court from time to time
- 18 may order the tenant to pay into court all or part of the rent
- 19 accrued and thereafter accruing, and shall determine the amount
- 20 due to each party. The party to whom a net amount is owed
- 21 shall be paid first from the money paid into court, and the
- 22 balance by the other party. If rent does not remain due after
- 23 application of this section, judgment shall be entered for
- 24 the tenant in the action for possession. If the defense or
- 25 counterclaim by the tenant is without merit and is not raised
- 26 in good faith, the landlord may recover reasonable attorney
- 27 fees.
- 28 b. In an action for rent where the tenant is not in
- 29 possession, the tenant may counterclaim as provided in
- 30 paragraph "a", but the tenant is not required to pay any rent
- 31 into court.
- 32 Sec. 24. EFFECTIVE DATE. This division of this Act, being
- 33 deemed of immediate importance, takes effect upon enactment.
- 34 Sec. 25. APPLICABILITY. This division of this Act applies
- 35 to actions for possession filed on or after the effective date

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- 1 of this division of this Act.
- 2 DIVISION VIII
- 3 UTILITY CHARGES
- 4 Sec. 26. Section 562B.14, subsection 6, Code 2022, is
- 5 amended to read as follows:
- 6. The landlord or any person authorized to enter into
- 7 a rental agreement on the landlord's behalf shall provide
- 8 a written explanation of utility rates, fees, charges, and
- 9 services, subject to section 562B.16, subsection 3, to the
- 10 prospective tenant before the rental agreement is signed unless
- 11 the utility charges are paid by the tenant directly to the
- 12 utility company.
- 13 Sec. 27. Section 562B.16, Code 2022, is amended by adding
- 14 the following new subsection:
- 15 NEW SUBSECTION. 3. A landlord that is responsible for
- 16 payment of utilities being provided to the tenant shall not
- 17 charge to the tenant an amount in excess of the actual cost of
- 18 the utility and as specified in writing under section 562B.14,
- 19 subsection 6. In addition to the actual cost of the utility,
- 20 a landlord that is responsible for the payment of one or more
- 21 utilities being provided to the tenant may impose a monthly
- 22 utility administration fee to each tenant not to exceed five
- 23 dollars per month. The amount of the utility administration
- 24 fee shall not exceed five dollars per month regardless of the
- 25 number of utilities being provided or the actual cost of the
- 26 utilities being provided.
- Sec. 28. Section 562B.25, Code 2022, is amended by adding
- 28 the following new subsection:
- 29 NEW SUBSECTION. 2A. The failure of a tenant to pay utility
- 30 charges that exceed the actual cost of the utility provided
- 31 as required by section 562B.16, subsection 3, shall not be
- 32 considered noncompliance with the rental agreement.
- 33 Sec. 29. Section 714H.3, subsection 2, Code 2022, is amended
- 34 by adding the following new paragraph:
- 35 NEW PARAGRAPH. h. Section 562B.16, subsection 3.

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1	DIVIS	TON	ΤX

- 2 UNLAWFUL OUSTER
- 3 Sec. 30. Section 562B.24, Code 2022, is amended to read as 4 follows:
- 5 562B.24 Tenant's remedies for landlord's unlawful ouster, 6 exclusion or diminution of services.
- 7 If the landlord unlawfully removes or excludes the tenant
- 8 from the manufactured home community or mobile home park or
- 9 willfully diminishes services to the tenant by interrupting
- 10 or causing the interruption of electric, gas, water or other
- 11 essential service to the tenant, the tenant may recover
- 12 possession, require the restoration of essential services or
- 13 terminate the rental agreement and, in either case, recover an
- 14 amount not to exceed two months' periodic rent, and twice the
- 15 actual damages sustained by the tenant, and reasonable attorney
- 16 fees. If the rental agreement is terminated, the landlord
- 17 shall return all prepaid rent and security.
- 18 Sec. 31. EFFECTIVE DATE. This division of this Act, being
- 19 deemed of immediate importance, takes effect upon enactment.
- 20 Sec. 32. APPLICABILITY. This division of this Act applies
- 21 to actions under section 562B.24 filed on or after the
- 22 effective date of this division of this Act.
- 23 DIVISION X
- 24 WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES
- 25 Sec. 33. NEW SECTION. 562B.23A Wrongful failure to supply
- 26 running water or essential services.
- 27 l. If contrary to the rental agreement or section 562B.16
- 28 the landlord deliberately or negligently fails to supply
- 29 running water or other essential services, the tenant may give
- 30 written notice to the landlord specifying the breach and may
- 31 do one of the following:
- 32 a. Procure reasonable amounts of water or other essential
- 33 services during the period of the landlord's noncompliance and
- 34 deduct the actual and reasonable cost from the rent.
- 35 b. Recover damages based upon the diminution in the fair

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- 1 market value of the mobile home or mobile home space.
- 2 c. Recover any rent already paid for the period of the
- 3 landlord's noncompliance which shall be reimbursed on a pro
- 4 rata basis.
- 5 2. If the tenant proceeds under this section, the tenant may
- 6 not proceed under section 562B.22 as to that breach.
- 7 3. The rights under this section do not arise until the
- 8 tenant has given notice to the landlord or if the condition was
- 9 caused by the deliberate or negligent act or omission of the
- 10 tenant, a member of the tenant's family, or other person on the
- 11 premises with the consent of the tenant.
- 12 Sec. 34. EFFECTIVE DATE. This division of this Act, being
- 13 deemed of immediate importance, takes effect upon enactment.
- 14 Sec. 35. APPLICABILITY. This division of this Act applies
- 15 to actions under section 562B.23A filed on or after the
- 16 effective date of this division of this Act.
- 17 DIVISION XI
- 18 TENANT CORRECTING DEFICIENCIES
- 19 Sec. 36. Section 562B.25, Code 2022, is amended by adding
- 20 the following new subsection:
- 21 NEW SUBSECTION. 4A. In any action by a landlord for
- 22 possession based upon nonpayment of rent, proof by the tenant
- 23 of all of the following shall be a defense to any action or
- 24 claim for possession by the landlord, and the amounts expended
- 25 by the tenant in correcting the deficiencies shall be deducted
- 26 from the amount claimed by the landlord as unpaid rent:
- 27 a. That the landlord failed to comply either with the rental
- 28 agreement or with section 562B.16.
- 29 b. That the tenant notified the landlord at least seven
- 30 days prior to the due date of the tenant's rent payment of the
- 31 tenant's intention to correct the condition constituting the
- 32 breach referred to in paragraph "a" at the landlord's expense.
- 33 c. That the reasonable cost of correcting the condition
- 34 constituting the breach is equal to or less than one month's
- 35 periodic rent.

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- 1 d. That the tenant in good faith caused the condition
- 2 constituting the breach to be corrected prior to receipt of
- 3 written notice of the landlord's intention to terminate the
- 4 rental agreement for nonpayment of rent.
- 5 Sec. 37. EFFECTIVE DATE. This division of this Act, being
- 6 deemed of immediate importance, takes effect upon enactment.
- 7 Sec. 38. APPLICABILITY. This division of this Act applies
- 8 to actions by a landlord for possession filed on or after the
- 9 effective date of this division of this Act.
- 10 DIVISION XII
- 11 DENIAL OF RENTAL OR REFUSAL OF SALE
- 12 Sec. 39. Section 562B.19, subsection 3, paragraphs a and c,
- 13 Code 2022, are amended to read as follows:
- 14 a. Deny rental unless the tenant or prospective tenant
- 15 cannot conform to manufactured home community or park rules
- 16 and regulations. A decision to deny rental shall conform
- 17 to recognized principles, rules, and standards generally
- 18 accepted by the professional manufactured home community or
- 19 park industry to ensure the commercially reasonable safety and
- 20 financial security of comparable manufactured home communities
- 21 or mobile home parks. A landlord shall deliver the decision
- 22 in writing to the tenant or prospective tenant as soon as
- 23 commercially feasible and shall provide the basis for a denial
- 24 in writing to the tenant or prospective tenant at the time of
- 25 the decision.
- 26 c. Deny any resident of a manufactured home community
- 27 or mobile home park the right to sell that person's mobile
- 28 home at a price of the person's own choosing, but may reserve
- 29 the right to approve the purchaser of such mobile home as
- 30 a tenant but such permission shall only be withheld for a
- 31 legitimate business reason within the recognized principles,
- 32 rules, and standards described in paragraph "a", and may not be
- 33 unreasonably withheld, provided however, that the landlord may,
- 34 in the event of a sale to a third party, in order to upgrade
- 35 the quality of the manufactured home community or mobile home

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- 1 park, require that any mobile home in a rundown condition or in
- 2 disrepair be removed from the manufactured home community or
- 3 park within sixty days. If the landlord refuses to approve the
- 4 purchaser of the mobile home as a tenant, a legitimate business
- 5 reason for the refusal shall be provided in writing to the
- 6 resident who is selling the mobile home.
- 7 DIVISION XIII
- 8 PROHIBITED RENTAL AGREEMENT PROVISION HOME EQUIPMENT
- 9 Sec. 40. Section 562B.11, subsection 1, Code 2022, is
- 10 amended by adding the following new paragraph:
- 11 NEW PARAGRAPH. e. Agrees to modify the physical
- 12 characteristics or equipment of the mobile home, manufactured
- 13 home, or modular home if the modification impairs the ability
- 14 of the tenant to move the home from the mobile home space,
- 15 unless otherwise required by federal or state law or by local
- 16 ordinance.
- 17 DIVISION XIV
- 18 RENTAL AGREEMENT TERMS
- 19 Sec. 41. Section 562B.11, subsection 1, Code 2022, is
- 20 amended by adding the following new paragraphs:
- 21 NEW PARAGRAPH. f. Authorizes imposition of fines,
- 22 penalties, or fees solely as a punishment or in amounts in
- 23 excess of actual damages or costs incurred.
- 24 NEW PARAGRAPH. g. Authorizes a person to confess judgment
- 25 on a claim arising out of the rental agreement.
- 26 NEW PARAGRAPH. h. Authorizes prohibitions, limitations,
- 27 additional deposits, or other restrictive policies that are
- 28 not based on ordinary wear and tear expected to occur during a
- 29 tenancy or that are not based on community safety standards.
- 30 Sec. 42. Section 562B.11, subsection 3, Code 2022, is
- 31 amended to read as follows:
- 32 3. A provision prohibited by this section included in a
- 33 rental agreement is unenforceable. If a landlord or tenant
- 34 knowingly and willfully uses a rental agreement containing
- 35 provisions known to be prohibited by this chapter, the other

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- 1 party tenant may recover actual damages sustained by the tenant
- 2 and not more than three months' periodic rent and reasonable
- 3 attorney fees.
- 4 DIVISION XV
- 5 RENTAL DEPOSITS
- 6 Sec. 43. Section 562B.7, subsection 12, Code 2022, is
- 7 amended to read as follows:
- 8 12. "Rental deposit" means a deposit of money to secure
- 9 performance of a mobile home space rental agreement under this
- 10 chapter other than a deposit which is exclusively in advance
- 11 payment of rent.
- 12 Sec. 44. Section 562B.13, subsection 2, Code 2022, is
- 13 amended to read as follows:
- 2. All rental deposits shall be held by the landlord for
- 15 the tenant, who is a party to the agreement, in a bank, credit
- 16 union, or savings and loan association which is insured by an
- 17 agency of the federal government. Rental deposits shall not be
- 18 commingled with the personal funds of the landlord. All rental
- 19 deposits may be held in a trust account, which may be a common
- 20 trust account and which may be an interest-bearing account.
- 21 Any interest earned on a rental deposit during the first five
- 22 years of a tenancy shall be the property of the landlord.
- 23 Sec. 45. Section 562B.13, Code 2022, is amended by adding
- 24 the following new subsection:
- 25 NEW SUBSECTION. 9. The court may, in any action on a rental
- 26 agreement, award reasonable attorney fees to the prevailing
- 27 party.
- 28 DIVISION XVI
- 29 LANDLORD SALES
- 30 Sec. 46. NEW SECTION. 562B.17A Sale of mobile home by
- 31 landlord.
- 32 1. Any sale of a mobile home located in a manufactured
- 33 home community or mobile home park by a landlord or landlord's
- 34 agent shall be by written agreement and the landlord shall
- 35 produce and assign the current certificate of title obtained

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- 1 from the department of transportation. The agreement shall
- 2 state the basic terms of sale, including the total cost of
- 3 the mobile home, finance charges, annual percentage rate, and
- 4 the frequency and amount of each installment payment. Such
- 5 agreement shall comply with the finance charge rate limitation
- 6 in section 103A.58, subsection 1.
- 7 2. Any such sale that does not comply with this section
- 8 may be voided by the buyer and the buyer may recover damages
- 9 incurred, amounts paid as a rental deposit in excess of two
- 10 months' rent for the mobile home, and reasonable attorney fees.
- 11 3. A claim under subsection 2 may be combined with an action
- 12 under chapter 648.
- 13 Sec. 47. Section 648.19, subsection 1, Code 2022, is amended
- 14 to read as follows:
- 1. An action under this chapter shall not be filed in
- 16 connection with any other action, with the exception of a claim
- 17 for rent or recovery as provided in section 555B.3, 562A.24,
- 18 562A.32, 562B.17A, 562B.22, 562B.25, or 562B.27, nor shall it
- 19 be made the subject of counterclaim.
- 20 DIVISION XVII
- 21 NONJUDICIAL FORECLOSURE
- 22 Sec. 48. Section 654.18, Code 2022, is amended by adding the
- 23 following new subsection:
- 24 NEW SUBSECTION. 5. Actions under this section initiated
- 25 on or after July 1, 2022, shall not be allowed for property
- 26 consisting of a mobile home as defined in section 562B.7.
- 27 Sec. 49. Section 655A.9, Code 2022, is amended to read as
- 28 follows:
- 29 655A.9 Application of chapter.
- 30 1. This chapter does not apply to real estate used for
- 31 an agricultural purpose as defined in section 535.13, or to
- 32 a one or two family dwelling which is, at the time of the
- 33 initiation of the foreclosure, occupied by a legal or equitable
- 34 titleholder.
- Actions under this chapter initiated on or after July 1,

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- 1 2022, shall not be allowed for property consisting of a mobile
- 2 home as defined in section 562B.7.
- 3 Sec. 50. EFFECTIVE DATE. This division of this Act, being
- 4 deemed of immediate importance, takes effect upon enactment.>
- 5 2. Title page, by striking lines 1 through 8 and inserting
- 6 < An Act relating to property law by modifying provisions
- 7 relating to rental properties, manufactured home communities,
- 8 mobile home parks, and manufactured mobile home communities,
- 9 modifying provisions governing actions relating to such
- 10 properties, making penalties applicable, and including
- 11 effective date and applicability provisions.>

By ZACH WAHLS
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